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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,215	03/23/2000	Giovanni Manfre	33471/GM/vp	1140

7590 03/28/2002

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EXAMINER

SHAFER, RICKY D

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	09/533,215	Applicant(s)	MANFRE ET AL
Examiner	R.D.SHAHUR	Group Art Unit	2872

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

Responsive to communication(s) filed on 3/15/02

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1 - 9 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1 - 9 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

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1. Applicant's arguments filed 11/19/01 have been fully considered but they are not persuasive.

Applicant asserts the equation set forth in claims 1 and 9 defines a specific aspheric shape or curve. The examiner disagrees. The equation is not setting any bounds to obtain a specific curve but merely setting forth an equation which explains what the resultant magnification would be given a particular "E" and "R" or alternatively the resultant radius of curvature would be given a particular "E" and "M"...etc. Moreover, it would appear based on applicant specification, [see page 3, lines 10-22, with emphasis on "spherical" ; page 4, lines 4-9, with special emphasis on "a known formula" ; page 5, line 29 to page 6, line 7, with emphasis on "spherical"... etc.], that the general formula was already known or at least derive based on the underlying theory or principles by which a known structure operates.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 9, lines 4-5, the use of the language "an aspheric...rotation" is vague, indefinite and/or confusing. It is unclear how one "optically" generates an aspheric surface.

In claim 1, lines 5-6, the use of the language "ideally parallel...vehicle" is vague and indefinite. Based on the above language, is it unclear whether the aspheric shape is parallel to the centerline axis of the vehicle or not. Thus, the meets and bounds of the claim is unclear.

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In claim 9, lines 5-6, the use of the language "ideally perpendicular...vehicle" is vague and indefinite. Based on the above language, is it unclear whether the aspheric shape is perpendicular to the centerline axis of the vehicle or not. Thus, the meets and bounds of the claim is unclear.

In claims 1 and 9, lines 6-9, the language and the associated equation thereof is vague, indefinite and fails to particularly point out and distinctly claim the subject matter which applicant regards the invention. It is unclear how the equation defined as angular magnification defines any curve. Assuming, that applicant is intending "curve" to mean "radius of curvature" then the equation should be solved and presented in terms of radius of curvature.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Altmann ('395).

To the extent the claims are definite, Altmann discloses a rear-view mirror for a vehicle comprising a monolithic plastic body having a flat surface (4, 4') and an opposite aspheric reflecting surface (7, 7') which is installed on a vehicle, note figures 2 and 3, wherein the aspheric shape of the curve inherently satisfies the equation by the physical nature of the reflecting surface being curved, due to the fact that when an image is reflected from a non-planar surface the image will always appear smaller than the actual size of the object. Therefore, the magnification will

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always be greater than zero and less than one. Thus, any magnification value will always satisfy the stated equation.

As to the limitations of claims 3 and 4, the examiner is of the opinion that the monolithic body and reflecting surface of Altmann were inherently made by one of the techniques recited by applicant.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann ('395) in view of common knowledge in the art.

Altmann discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the monolithic body and reflecting surface includes one of the techniques recited by applicant.

It would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the monolithic body and reflecting surface of Altmann to include one of the techniques recited by applicant due to the fact that such techniques are well known and commonly used and employed in the mirror art in order to alternatively make a monolithic body and/or reflecting surface.

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7. Claims 1-4, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuld ('603) in view of Altmann ('395).

To the extent the claims are definite, Schuld discloses a rear view mirror for a vehicle comprising a monolithic plastic body (16) having a flat surface (18a) and an opposite convex reflecting surface (20a) which is installed on a vehicle, wherein the convex surface satisfies the equation recited by applicant due to the physical nature of the reflecting surface being curved, note fig. 2, except for explicitly stating that the convex reflecting surface is aspheric.

Altmann teaches it is known to make a convex reflecting surface aspheric in the same field of endeavor for the purpose of reducing aberrations.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the convex reflecting surface of Schuld to include an aspheric convex reflecting surface as taught by Altmann in order to reduce aberrations.

As to the limitations of claims 3 and 4, the examiner is of the opinion that the monolithic body and reflecting surface of Schuld were inherently made by one of the techniques recited by applicant.

However, if this is not the case, it certainly would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the monolithic body and reflecting surface of Schuld to include one of the techniques recited by applicant due to the fact that such techniques are well known and commonly used and employed in the mirror art in order to alternatively make a monolithic body and/or reflecting surface.

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8. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuld in view of Altmann as applied to claims 1-4, 6, 8 and 9 above, and further in view of common knowledge in the art.

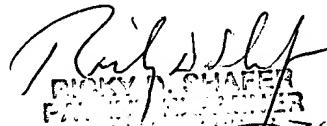
It is well known to connect mirrors externally to a vehicle in the same field of endeavor for the purpose of viewing traffic to the rear and side of a vehicle.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the mirror of Schuld in view of Altmann to include typical mounting means as is commonly used and employed in the mirror art in order connect the mirror in such a manner so as to view traffic to the rear and side of a vehicle

9. Any inquiry concerning this communication should be directed to R. D. Shafer at telephone number (703) 308-4813.

RDS

March 20, 2002

  
R. D. SHAFER  
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